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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1090 OF 2006

Rani Hanuman Yadav ... Petitioner

Versus

The Scoiety for Rehabilitation
of the Handicapped Miraj and Ors. ... Respondents

Mr. Sunil Dighe for Petitioner.

Mr. G.M. Savagave for R. Nos. 1 and 2.

Mr. R.D. Rane, Govt. Pleader for R. Nos. 3 to 6.

CORAM: F.I. REBELLO &
S.J. VAZIFDAR,JJ.
DATED: MARCH 02, 2007

P.C.:

. The Petitioner was appointed in the school run by Respondent No. 2. It appears that similarly various other employees were also appointed. It also appears that many of them were not qualified and consequently their services were to be terminated. This Petition came to be filed before this court. Another group of Petitions, being W.P. No. 2718 of 2000, 2858 of 2000, 3619 of 2000, 2608 of 2000 and 2486 of 2000 came to be disposed of by common order dated 25.7.2000. The Petitioner was not one such Petitioner. Several directions came to be issued including that those Petitioners will be continued in service on ad hoc basis subject to their passing the examination. The said directions

were issued to the Rehabilitation Council.

. The Petitioner has also approached this court being Writ Petition No. 2486 of 2000. Initially, there was an order passed in favour of the Petitioner that his services would not be terminated. That period expired on 5.6.2000. It appears that thereafter the order was not reviewed or extended and the services of the Petitioner came to be terminated. The Petition came up for hearing before this court on 23.6.2004 on which date, the Petitioner was allowed to withdraw the Petition with liberty to approach the Social Welfare Department or Rehabilitation Council of India for the grievance which the Petitioner may have. The Petitioner approached the Additional Chief Executive Officer, Zilla Parishad, Solapur. After hearing the Petitioner and the Management, it was directed that as and when any post would be vacant at the time of advertisement, it will be open to the Petitioner to submit their application. In terms of the reply filed on behalf of the society by Mr. Suresh Avati, it is pointed out that the post was advertised, the Petitioner was one of the applicants. The Petitioner was not selected at the interview held on 25.6.2005. According to Petitioner, though the another candidate was not meritorious he was selected. By the present petition, the Petitioner

seeks his reinstatement/appointment to the post of Special Teacher to which post the Petitioner was initially appointed since 1996. The learned counsel in aid of his contention relies upon the report prepared by the Social Welfare Officer of the Zilla Parishad.

. We have heard the learned counsel for the Parties. The school is an aided school and consequently all the posts will have to be filled in, in terms of the procedure. The Petitioner's services were terminated in June, 2000. The Petitioner did not move this court either for extension of the said stay order or for any direction to reinstate the Petitioner in service. On the contrary, when the Petition came up for hearing, the Petition was withdrawn with a liberty to apply to the Officer set out therein. That Officer heard the Petitioner and the Management and issued directions. In terms of the directions, the Petitioner applied for the post and was interviewed. In the selection done, some other candidate was selected who was more meritorious. Once the Petitioner has participated in the election process and another candidate was selected, it will not be possible for this court in the exercise of its extra ordinary jurisdiction to grant relief in terms of Prayer Clause (b) as sought. If the Petitioner is

aggrieved, at the highest, it will be open to the Petitioner to challenge the selection procedure according to law, if the Petitioner is so entitled to. At any rate, the Petitioner was not regularly appointed. The Petitioner at the relevant time did not have the requisite qualification. The termination was not set aside by the court in the petition which was filed before this court. For all the aforesaid reasons, we are not inclined to interfere in the exercise of our extra ordinary jurisdiction. Hence, Petition dismissed. No order as to costs.

(S.J. VAZIFDAR,J.) **(F.I.REBELLO, J.)**